

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**CONTEMPT CASE No.2468 OF 2016**

**DATED :22.02.2018**

Between :

North Hasthinapuram Welfare Association,  
A registered society represented by its Secretary,  
M.A.Raheem S/o.M.A.Jabbar, Age : 62 yrs,  
Occu : Retired employee, H.No.8-7-92/33,  
North Hasthinapuram, Karmanghat Division,  
L.B.Nagar, Ranga Reddy District.

.. Petitioner

And

Sri B. Janardhan Reddy,  
Commissioner,  
The Greater Hyderabad Municipal Corporation,  
Tank Bund, Hyderabad & others.

... Respondents



This court made the following :

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**ORDER :**

This contempt is filed alleging that the 3<sup>rd</sup> respondent herein-4<sup>th</sup> respondent in the writ petition, in violation of the direction of this Court not to make any further construction, has undertaken construction and completed the construction and therefore, he is liable to be punished under the Contempt of Courts Act.

2. Along with the contempt case petitioner enclosed photographs stated to have been taken on 12.08.2016 to show progress of construction activity. Petitioner also filed memo enclosing photographs stated to have taken on or after 24.11.2016. Even these photographs also show construction activity in progress, but not a case of completion of construction as alleged in the contempt. Further it is noticed that though the photographs are taken after a span of three months, the nature of construction activity shown in both photographs is same. The interim order was passed by this Court on 24.11.2016.

3. Along with the additional affidavit filed by the 3<sup>rd</sup> respondent he has enclosed reply dated 22.11.2016 received by the Municipal Corporation on the same day. In paragraph No.3 of this reply he states that he has already constructed two rooms. He also informs that he has already applied to provide water supply connection and the TSSPDCL has already granted electricity connection. This statement would show that construction was already made before the interim order was passed. He has also enclosed a letter written

by the President of Anupama Nagar Colony Welfare Association, stating that house warming ceremony was performed on 09.11.2016. It is the categorical assertion of the 3<sup>rd</sup> respondent that construction was made prior to the interim order and no construction was made after interim order was passed. He has also enclosed an affidavit signed by G.Mysaiah, a neighbour claiming that entire construction was completed before 09.11.2016 and house warming ceremony was performed.

4. The Greater Hyderabad Municipal Corporation filed additional affidavit stating that building permission was obtained by the 3<sup>rd</sup> respondent, that inspection of subject premises was conducted, measurements were taken. It is asserted that as per the measurements, the 3<sup>rd</sup> respondent has not encroached/occupied public road.

5. In view of the categorical assertion of the 3<sup>rd</sup> respondent, which is not controverted, it cannot be said that there is deliberate and wilful violation of the direction of this Court warranting initiation of proceedings under the Contempt of Courts Act.

6. Accordingly, the Contempt case is closed. The Contemnor is discharged from the contempt proceedings. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

22<sup>nd</sup> February, 2018  
Rds

**P.NAVEEN RAO,J**